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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,284	03/23/2004	Makoto Toyota	P24996.US411.dc	1856
7055	7590	04/07/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			DICKEY, THOMAS L	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/806,284

Applicant(s)

TOYOTA ET AL.

Examiner

Thomas L. Dickey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/18/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 4-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>06/23/2004 and 07/28/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Applicant's election with traverse of group I, claims 1-3, in the reply filed on 02/18/2005 is acknowledged. The traversal is on the ground(s) that the method of claims 1-3 (e.g., Invention I) and the device of claims 4-9 (e.g., invention II) are inter-related, and their searches would be coextensive or at least significantly overlap. This is not found persuasive because the searches only partially overlap, and the additional search would create an additional burden.

The requirement is still deemed proper and is therefore made FINAL.

### ***Oath/Declaration***

2. The oath/declaration filed on 06/14/2004 is acceptable.

### ***Drawings***

3. Figures 2,3,5, and 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the

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applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

5. The Information Disclosure Statements filed on 06/23/2004 and 07/28/2004 have been considered.

***Claim Objections***

6. Claims 1 and 2 are objected to because of the following informalities:

On line 6 of both claims 1 and 2, the phrase "for mounting light emitting devices" introduces an element called "light emitting devices." On line 10 of these claims, the phrase "electrodes of light emitting devices," appears to introduce a second element called "light emitting devices." If Applicants' intention was to require two separate sets of light emitting devices, Applicants must rename the second set, perhaps by re-writing the line 10 phrase to read "electrodes of a second set of light emitting devices." The examiner believes, however, that Applicants intended the line 10 phrase to read

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"electrodes of the light emitting devices [relating back to the element introduced in line 6]," as a similar phrase reads in claim 3.

On line 13 of claim 2, the phrase "the arcuate zonal" should be re-written – the arcuate zonal parts – as "the arcuate zonal" is clearly intended to relate back to "an arcuate zonal parts" introduced in lines 10-11. In line 10, although it is not the usual practice when writing or speaking English to place an article ("an") before a noun ("arcuate parts") in plural form, Applicants' meaning is clear. For this reason, the examiner has no objection.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by WHITE ET AL. (5,920,643).

A. With regard to claim 1, White et al. discloses a method of manufacturing an annular oblique light illumination apparatus having a frustconical inner circumferential surface as a light emitting device arranging surface, which comprises using a flexible

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wiring substrate 60 in which a plurality (White et al.'s figure 3 discloses 3, identified as parts 62,64, and 66) of arcuate zonal wiring patterns 62,64, and 66 for mounting light emitting devices 100 (FIG. 8) each in the form of a developed frustconical shape are serpigiously formed continuously to a base film 58 (figure 9) of a predetermined shape, inserting electrodes 41 (note figures 13A-B) of [the] light emitting devices 100 into the arcuate zonal wiring pattern parts and soldering (note column 2 line 26) them and then, cutting out (note column 7 line 13) (note column 7 line 13) the arcuate zonal wiring patterns 62,64, and 66 to form light emitting device arrays, and fixing (note figures 9, 11, 12 and 13A-B) each light emitting device array to the arranging surface. Note figures 7-12, 13A-B, column 2 line 26, and column 7 lines 23-59 of White et al.

**B.** With regard to claim 2, White et al. discloses a method of manufacturing an annular oblique light illumination apparatus having a frustconical inner circumferential surface as a light emitting device arranging surface, which comprises using a flexible wiring substrate 60 in which one or more annular stripe wiring patterns 62,64, and 66 for mounting light emitting devices 100 (FIG. 8) each in the form of a developed frustconical shape when cut for a predetermined center angle are formed to a base film 58 (figure 9) of a predetermined shape, inserting electrodes 41 (note figures 13A-B) of [the] light emitting devices 100 to an arcuate zonal parts corresponding to the center angle and soldering (note column 2 line 26) them, then cutting out (note column 7 line 13) the arcuate zonal [parts] to form light emitting device arrays, and fixing (note figures 9, 11,

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12 and 13A-B) each light emitting device array to the arranging surface. Note figures 7-12, 13A-B, column 2 line 26, and column 7 lines 23-59 of White et al.

C. With regard to claim 3, White et al. discloses a method of manufacturing an annular oblique light illumination apparatus having a frustconical inner circumferential surface as a light emitting device arranging surface, which comprises using a flexible wiring substrate 60 formed in which one or more (White et al.'s figure 3 discloses 3, identified as parts 62, 64, and 66) arcuate zonal wiring patterns 62, 64, and 66 for mounting light emitting devices 100 (FIG. 8) each in the form of a developed frustconical shape to a base film 58 (figure 9) of a predetermined shape, inserting electrodes 41 (note figures 13A-B) of the light emitting devices 100 to the wiring pattern parts and soldering (note column 2 line 26) them, then cutting out (note column 7 line 13) the wiring patterns 62, 64, and 66 to form an device arrays, and fixing (note figures 9, 11, 12 and 13A-B) each light emitting device array to the arranging surface. Note figures 7-12, 13A-B, column 2 line 26, and column 7 lines 23-59 of White et al.

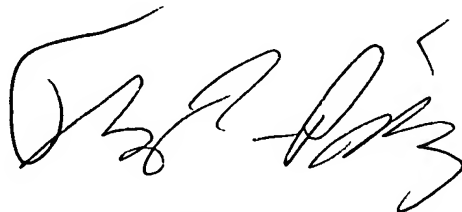
### ***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas L Dickey whose telephone number is 571-272-1913. The examiner can normally be reached on Monday-Thursday 8-6.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'T. L. Dickey', with a stylized flourish at the end.

**Thomas L. Dickey**  
**Patent Examiner**  
**Art Unit 2826**  
**04/05**